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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISIONFILED
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CLERK'S OFFICE
DETROIT

CURWOOD L. PRICE,

Plaintiff,

v.

PATRICIA CARUSO,

Defendant.
/CASE NO. 2:07-10178
HONORABLE VICTORIA A. ROBERTS
MAGISTRATE JUDGE MAJZOUB**ORDER TRANSFERRING CASE TO THE WESTERN DISTRICT OF MICHIGAN**

Plaintiff Curwood L. Price is a state prisoner currently confined at the Muskegon Correctional Facility in Muskegon, Michigan. He has filed a *pro se* civil rights complaint for money damages and equitable relief, including admittance to Mercy Hospital in Muskegon, Michigan. The sole defendant is Patricia Caruso, Director of the Michigan Department of Corrections. The complaint alleges that, shortly after Plaintiff filed a civil rights complaint in this District, defendant Caruso began to retaliate against Plaintiff. Plaintiff's previous complaint alleged that Defendant violated Plaintiff's right to freedom of religion by not allowing prisoners to travel between prisons for religious ceremonies and services. Plaintiff alleges in the present complaint that Defendant has deprived him of further religious activities, but the primary claims allege retaliation and the denial of necessary medical care.

A threshold question is whether venue is proper in this district. The proper venue in civil actions in which jurisdiction is not founded on diversity of citizenship is the judicial district where (1) any defendant resides if all defendants reside in the same state, (2) a substantial part of

the events or omissions giving rise to the claim occurred or a substantial part of property that is the subject of the action is situated, or (3) any defendant may be found if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Public officials “reside” in the county where they serve. *O’Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972).

Defendant “resides” in Lansing, Michigan, which lies in Ingham County, and a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred at Muskegon Correctional Facility where Plaintiff is confined. The City of Muskegon lies in Muskegon County. Both Muskegon County and Ingham County lie in the Western District of Michigan. *See* 28 U.S.C. § 102(b)(1). Accordingly, the Clerk of Court is **ORDERED** to transfer this case to the Clerk of Court in the Western District of Michigan pursuant to 28 U.S.C. §§ 1391(b) and 1406(a).



R. STEVEN WIALEN
UNITED STATES MAGISTRATE JUDGE

Date: 1/31/07